

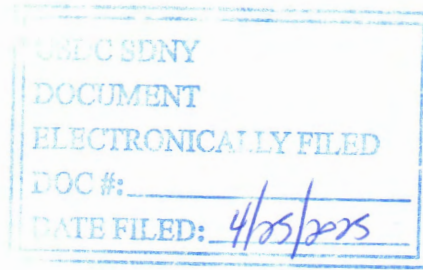


THE CITY OF NEW YORK
LAW DEPARTMENT

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April 15, 2025

BY ECF

Honorable Colleen McMahon
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Cheyenne Samu v. City of New York
25 Civ. 1351 (CM)

Your Honor:

ENDORSED
Conference adjourned
to 6/18/2025 at 10:00 AM
Colleen McMahon
4/25/2025

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel for the City of New York, and attorney for defendant the City of New York in the above-referenced matter. Pursuant to the Court's October 22, 2024 Order, I write to respectfully request that the Court *sua sponte* grant a *nunc pro tunc* extension of sixty (60) days from the date of this filing, extending defendants City, Vasquez and Williams' deadline to file an Answer from April 15, 2025, to June 13, 2025, and request an adjournment of the time to submit a case management plan and/or the conference. Plaintiff has consented to this request.

By way of background, Plaintiff filed her Complaint on February 18, 2025, alleging procedural and substantive due process claims against defendants. (ECF No. 1.) The claims center on the alleged seizure of Plaintiff's vehicle on June 26, 2024. (*Id.*) Plaintiff alleges that the vehicle is still in the custody of the King's County District Attorney. (*Id.*) Summons were executed on both the City and individual defendants on March 5, 2025. (ECF Nos. 16-19)

Based on the allegations in the Complaint, there are several reasons for seeking an enlargement of time in this matter. This case was just transferred to the undersigned recently. In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, the City needs time to investigate the allegations in the Complaint. This will require the City to obtain underlying paperwork relating to plaintiff and their claims, as well as to attempt to speak with City staff who may have information relating to Plaintiff's claims. The enlargement proposed herein will allow sufficient time for defendants to collect the underlying documents,

adequately review their contents, and finalize representation of the individual defendants prior to filing a responsive pleading in this matter.

Pursuant to Section 50-k of the New York General Municipal Law and based on a review of the case, this Office must determine whether it will represent defendants Vasquez and Williams in this action.¹ The individual defendants must then decide whether they wish to be represented by this Office. If so, this Office must obtain their written authorizations. Only after this process has been followed can this Office determine how to proceed in this case. See General Municipal Law § 50(k); see also *Mercurio v. City of New York*, 758 F.2d 862, 864-65 (2d Cir. 1985); see also *Williams v. City of New York*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (noting that the decision to bestow legal representation upon individual defendants is made by the Corporation Counsel as set forth in state law).

Finally, as this Office has not undertaken the representation of the individual defendants, the instant request is not made on their behalf. Nevertheless, in the interest of judicial economy, the City respectfully requests that the Court *sua sponte* afford the individual defendants a corresponding extension of time to respond to the Complaint.

Accordingly, defendants respectfully request this sixty day extension to respond to plaintiff's complaint to June 13, 2025.

Defendant thanks the Court for its time and consideration of this request.

Respectfully Submitted,

Seamus O'Connor /s/

Seamus O'Connor
Assistant Corporation Counsel

Cc: **VIA FIRST CLASS MAIL**
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¹ Without making any representation as to the adequacy of service upon them, we have reached out to Officers Vasquez and Williams, who indicated that they received a copy of the summons and complaint in this action and promptly submitted a request for representation to the NYPD Legal Division.